

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-5 and 7-11 remain in the application. Claims 1 and 7 have been amended.

Claims 6 and 12 have been canceled.

In item 10 on page 2 of the above-identified Office action, claims 1 – 3 and 7 - 9 have been rejected as being unpatentable over Goodman (U.S. Patent No. 5,146,403) in view of Nielsen (U.S. Patent No. 6,405,243 B1) under 35 U.S.C. § 103(a).

In item 17 on page 8 of the above-identified Office action, claims 4 – 5 and 10 - 11 have been rejected as being unpatentable over Goodman in view of Nielsen, further in view of Kuebert et al. (U.S. Publication No. 2002/0165729 A1) (hereinafter "Kuebert") under 35 U.S.C. § 103(a).

Although claim 6 was not specified in the aforesaid rejection in item 17, claim 6 has been rejected in item 20 on page 9 of the above-identified Office action as being unpatentable over the same combination of references. Applicant assumes the omission of claim 6 from item 17 was an oversight and therefore, will treat claim 6 as if it were included in item 17.

Similarly, claim 12 was not specified in the aforesaid rejection in item 17. However, claim 12 has been rejected in item 23 on page 10 of the above-identified Office

action as being unpatentable over the same combination of references. Applicant assumes the omission of claim 12 from item 17 also was an oversight and therefore, will treat claim 6 as if it were included in item 17.

The rejections have been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found in the previous claims of the instant application.

More specifically, the limitations of claims 6 and 12 have been incorporated into independent claims 1 and 7, respectively.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 calls for, *inter alia*, a method of forwarding post, having the steps of:

providing a post forwarding apparatus **for scanning an address face of the post for a TAG ID and consulting a database for records related to the TAG ID, the records indicating the TAG ID is expired and if a redirection fee has been paid,**

if the address is expired, **automatically determining if an addressee of the post maintains a forwarding service account, and**

if the forwarding service account is maintained, debiting the account automatically in an appropriate amount and forwarding the post to an addressee destination address. (emphasis added)

The Goodman reference discloses a change of address system having a plurality of change of address terminals. The terminals receive and store customized change of address information provided by the users. A service computer receives the change of address information from all of the terminals and notifies the postal services and others who desire the information.

Goodman is deficient in several respects in that it does not disclose features of maintaining a forwarding service account, debiting the account automatically and forwarding the post to an addressee destination address, scanning an address face of the post for a TAG ID and consulting a database for records related to the TAG ID, the records indicating if the TAG ID is expired, and if a redirection fee has been paid, providing a time delay before destruction of the post.

The Examiner proposes to make up for the many deficiencies of the primary Goodman reference by extracting isolated individual features from the several secondary references of Nielson and Kuebert.

The Nielsen reference discloses a networking system for forwarding an email message to an updated email address. After changing his or her email address the user sends the new email information to an address change server. The server stores the new information in its database. The server forwards a sender's email message to the new recipient's new email address upon being contacted by the sender.

The Examiner also points out that Nielsen, as well as Goodman, has several deficiencies, including if an addressee does not maintain a forwarding service to an addressee if the addressee does not have a forwarding service account, or not forwarding post to an addressee destination address if the addressee does not maintain a forwarding service account.

The Kuebert reference discloses a mail delivery system wherein the delivery point and delivery time for a mail item can be changed while in route. This is accomplished by determining that the mail is in transit and then sending a notification to change the delivery destination or time of delivery. There is no disclosure or suggestion of establishing a mail redirection account, let alone automatically determining whether a mail forwarding account exists in the first instance, and if it does then automatically debiting the account for the redirection of mail as recited in the claims of the instant application.

The Examiner has recognized the significant deficiencies of the prior art in not disclosing the features of the present invention as recited in the claims of the instant application. In an effort to overcome these deficiencies the Examiner has been required to resort to extracting isolated bits and pieces of the claimed invention from different references to arrive at a compilation that hopefully, meets the claimed features. It is respectfully submitted that such a compilation is improper rejection based solely on hindsight reconstruction of applicant's claimed invention after the Examiner has read applicant's specification and is not suggested by the distinctly

different problems faced by the respective references. There is no logical basis for combining the references as proposed by the Examiner.

The claimed features of scanning the TAG ID and verifying if it is expired are important aspects of the present invention. Claims 1 and 7 now more clearly recite that the TAG is read and checked in a data base as to whether the TAG ID has expired. These features are not disclosed in any of the applied references.

The references do not show "... scanning an address face of the post for a TAG ID and consulting a database for records related to the TAG ID, the records indicating said TAG ID is expired and if a redirection fee has been paid, if the address is expired, automatically determining if an addressee of the post maintains a forwarding service account, and if the forwarding service account is maintained, debiting the account automatically in an appropriate amount and forwarding the post to an addressee destination address" as recited in claim 1 of the instant application. Independent apparatus claim 7 contains similar limitations.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1 or 7. Claims 1 and 7 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1 or 7.

In view of the foregoing, reconsideration and allowance of claims 1-5 and 7-11 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out. In the alternative, the entry of the amendment is requested, as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith and any other fees that might be due with respect to Sections 1.16 and 1.17 should be charged to the Deposit Account No. 12-1099 of Lerner Greenberg Stemer LLP.

Respectfully submitted,

/F. Donald Paris/
F. Donald Paris
Reg. No. 24,054

FDP/lq

May 4, 2009

Lerner Greenberg Stemer LLP
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100; Fax: (954) 925-1101